

Property (Digital Assets etc) Bill [HL]

RUNNING LIST OF ALL AMENDMENTS IN SPECIAL PUBLIC BILL COMMITTEE

*Tabled up to and including
24 January 2025*

[Amendments marked ★ are new or have been altered]

Clause 1

LORD ANDERSON OF IPSWICH

- ★ Clause 1, page 1, line 2, leave out from first “thing” to second “is”

Member's explanatory statement

This probing amendment seeks to remove the parenthetical reference to “digital or electronic” things.

LORD ANDERSON OF IPSWICH

- ★ Clause 1, page 1, line 2, at end insert “and has never been”

Member's explanatory statement

This probing amendment seeks to give the Bill retroactive effect.

LORD ANDERSON OF IPSWICH

- ★ Clause 1, page 1, line 5, leave out “a thing in” and insert “capable of”

Member's explanatory statement

This probing amendment, connected to another in the name of Lord Anderson of Ipswich, seeks to provide a statutory basis for recognising digital assets as property, while removing any presumption that these assets cannot be accommodated by the existing two categories of personal property rights.

LORD ANDERSON OF IPSWICH

- ★ Clause 1, page 1, line 6, leave out paragraph (b) and insert –
- “(b) a right that may only be claimed or enforced by legal action or proceedings against another person or persons.”

Member's explanatory statement

This probing amendment, connected to another in the name of Lord Anderson of Ipswich, seeks to provide a statutory basis for recognising digital assets as property, while removing any presumption that these assets cannot be accommodated by the existing two categories of personal property rights.

After Clause 1

LORD ANDERSON OF IPSWICH

- ★ After Clause 1, insert the following new Clause –
- “Attributes of digital assets conferring property rights**
- In determining whether a digital thing can be the object of personal property rights, regard may be had to whether the thing –
- (a) is composed of data represented in an electronic medium, including in the form of computer code, electronic, digital or analogue signals,
 - (b) exists independently of persons and exists independently of the legal system, and
 - (c) is rivalrous.”

Member's explanatory statement

This probing amendment seeks to specify indicia that may be considered by the courts when determining whether digital things can be the object of personal property rights.

Clause 2

LORD PONSONBY OF SHULBREDE

Clause 2, page 1, line 8, leave out “only” and insert “and Northern Ireland”

Member's explanatory statement

This amendment extends the territorial extent of the Bill so that it will form part of the law of Northern Ireland as well as that of England and Wales.

LORD ANDERSON OF IPSWICH

- ★ Clause 2, page 1, line 10, leave out “(Digital Assets etc)” and insert “(Objects of Personal Property Rights)”

Member's explanatory statement

This probing amendment to the short title, connected to another in the name of Lord Anderson of Ipswich, seeks to restate the title of the Bill by removing reference to specific types of thing which the Bill applies to.

Title

LORD ANDERSON OF IPSWICH

- ★ In the Title, line 1, after “provision” insert “(with retrospective effect)”

Member's explanatory statement

This probing amendment, connected to another in the name of Lord Anderson of Ipswich, seeks to draw attention to the Bill's retrospective effect, if amended.

LORD ANDERSON OF IPSWICH

- ★ In the Title, line 1, leave out “capable of” and insert “not prevented from”

Member's explanatory statement

This probing amendment seeks to restate the long title more clearly, so that it is consistent with the operative clause of the Bill.

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